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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/597,130	06/20/2000	Salman Yousef Abbasi	1999-0521	5915

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EXAMINER

MEKY, MOUSTAFA M

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 06/25/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/597,130

Applicant(s)

ABBASI ET AL.

Examiner

Moustafa M Meky

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-16 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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1. Claims 1-16 are presenting for examination.
2. Claim 1 recites the limitation "the transmitter" in line 9. There is insufficient antecedent basis for this limitation in the claim.
3. Claim 5 recites the limitation "the transmitter" in line 1. There is insufficient antecedent basis for this limitation in the claim.
4. Claim 10 recites the limitation "the first and second network protocols" in line 1. There is insufficient antecedent basis for this limitation in the claim.
5. Claim 11 recites the limitation "the window size of the receiver" in lines 9-10. There is insufficient antecedent basis for this limitation in the claim.
6. Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. It is unclear whether the window size in line 9 of the claim is the same window size in line 4 or they are two different window sizes. This claim is an omnibus type claim.
7. The applicant is advised that both claims 12-13 should depend on claim 11 and not claim 9, and therefore a correction is required.
8. Claims 1-6 & 11-13 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.
 - 8.1. The prior art taken singularly or in combination does not teach or suggest measuring an error condition of received data over a specified period of time and changing a receiver window size base on the error condition.

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9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

10. Claims 7, 9-10 & 14-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Davis et al. (6,105,064).

11. As to claim 7, Davis shows in Fig 2, a system for increasing a data transmission rate at a terminal (receiving endnode 34). Davis teaches the following steps:

- * establishing a first window size (maximum send window size) as indicator of the amount of data the receiver 34 can receive, see col 25, lines 57-58;
- * transmitting first transmitted data to the receiver 34 in accordance with the first window size, see col 25, lines 64-65;

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* receiving information from the receiver 34 to transmit data in accordance with a second window size (new maximum receive window size) of the receiver 34, see col 26, lines 65-67; and
* transmitting second data to the receiver 34 in accordance to the second window size, see col 26, lines 65-67.

12. As to claim 9, Davis shows that the second window size is based of data segments of the first transmitted data received by the receiver, see col 26, lines 65-67 (the receiver select a smaller window size than the first window size because it can not handle the number of the received data segments according to the first window size due to insufficient resources at the receiver, see col 26, lines 59-64).

13. As to claim 10, Davis shows that both the first and second window size are according to the TCP protocol, see col 2, lines 17-59.

14 As to claims 14-16, the claims are similar in scope to claims 7 & 9-10, and they are rejected under the same rationale.

Therefore, it can be seen from paragraphs 11-14 that Davis anticipates claims 7, 9-10 & 14-16.

15. Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

15.1. The prior art of record does not teach that the second window size is based on an error condition of the first transmitted data received by the receiver.

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16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Moustafa M. Meky whose telephone number is (703) 305-9697. The examiner can normally be reached on week days from 8:30 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne, can be reached on (703) 308-7562. The fax phone number for this Group is (703) 308-9052.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600. The fax number for the After-Final correspondence/amendment is (703) 746-7238. The fax number for official correspondence/amendment is (703) 746-7239. The fax number for Non-official draft correspondence/amendment is (703) 746-7240.

M.M.M

June 21, 2003


MOUSTAFI M. MEKY
PRIMARY EXAMINER